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Attorneys for Plaintiff ROBERT PRATT

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

ROBERT PRATT, individually and on behalf
of all others similarly situated,,

Plaintiff,

v.

WHOLE FOODS MARKET, INC.,

Defendant.

Case No. CV 12-05652 EJD

**STIPULATION REGARDING
LITIGATION DEADLINES AND
~~PROPOSED~~ ORDER**

[L.R. 7-12]

Date: June 7, 2013
Time: 9:00 a.m.
Judge: Hon. Edward J. Davila
Courtroom: Courtroom 4, 5th Floor

1 Whole Foods Market, Inc. ("WFMI"), on the one hand, and Robert Pratt ("Pratt"), on the
2 other hand, (collectively, "Parties") by and through their respective undersigned counsel, hereby
3 stipulate and jointly request that the Court issue an Order as follows:

4 WHEREAS, WFMI has filed a Motion to Dismiss currently set for hearing on June 7,
5 2013.

6 WHEREAS, the Motion to Dismiss involves complex issues pertaining to whether this
7 Court has personal jurisdiction over WFMI;

8 WHEREAS, the parties have met and conferred and jointly desire time in addition to that
9 permitted by the Local Rules to fully brief the issues raised in the Motion to Dismiss;

10 WHEREAS, the parties agree and jointly stipulate that WFMI's entry into this stipulated
11 request for an order is not intended to and does constitute or evidence a waiver of WFMI's
12 objection to the Court's jurisdiction as set forth in the Motion to Dismiss;

13 WHEREAS, the proposed briefing schedule will not modify the time allotted the Court
14 under the Local Rules to consider the parties' briefing prior to the hearing;

15 IT IS THEREFORE STIPULATED AND JOINTLY REQUESTED that:

- 16 1. The Court order that Plaintiff's Opposition is due on or before March 28, 2013;
- 17 2. WFMI's Reply is due on or before April 12, 2013;
- 18 3. This stipulation and request shall be without prejudice to Defendant's objection to
19 this Court's personal jurisdiction as set forth in Defendant's Motion to Dismiss and shall not
20 constitute or be used as evidence of a waiver of Defendant's objection to this Court's personal
21 jurisdiction as set forth in Defendant's Motion to Dismiss; and
- 22 4. All other deadlines in the case remain unchanged.

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1 **IT IS SO STIPULATED.**

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3 DATED: March 5, 2013

SEYFARTH SHAW LLP

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5 By: /s/

6 Jay W. Connolly
7 Giovanna A. Ferrari
8 Joseph J. Orzano
9 Attorneys for Defendant
10 WHOLE FOODS MARKET, INC.

11
12 DATED: March 5, 2013

PRATT & ASSOCIATES

13
14 By: /s/

15 Pierce Gore
16 Attorneys for Plaintiff
17 ROBERT PRATT

18
19 DATED: March 5, 2013

PROVOST UMPHREY LAW FIRM L.L.P.

20
21 By: /s/

22 W. Michael Hamilton
23 Edward Downs Fisher
24 Attorneys for Plaintiff
25 ROBERT PRATT

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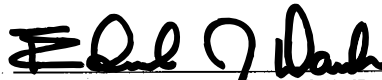
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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED,

1. Plaintiff shall have up to and including March 28, 2013 to file an Opposition to Defendant's currently pending Motion to Dismiss;
2. Defendant shall have up to and including April 12, 2013 to file a Reply in support of Defendant's Motion to Dismiss;
3. This Order is without prejudice to Defendant's objection to this Court's personal jurisdiction as set forth in Defendant's Motion to Dismiss and does not constitute and shall not be used as evidence of a waiver of Defendant's objection to this Court's personal jurisdiction as set forth in Defendant's Motion to Dismiss; and
4. All other deadlines in this action remain unchanged.

Dated: 3/7/2013


The Honorable Edward J. Davila

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